



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

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COMMISSIONER

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July 8, 2019

Via Electronic Mail to NRP@tva.gov

Attn: Matthew Higdon, NEPA Compliance
400 West Summit Hill Drive, WT 11B
Knoxville, TN 37902

Dear Mr. Higdon:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the Tennessee Valley Authority (TVA) *Draft Updated Natural Resource Plan (NRP) Supplemental Environmental Impact Statement (SEIS)*. The purpose of the draft NRP and SEIS is to update TVA's 2011 NRP to provide strategic guidance and alignment of TVA's Natural Resources work as well as create efficiencies in business planning and stewardship project implementation.¹ TVA developed the NRP to guide its natural resource stewardship efforts. The existing NRP addresses TVA's management of biological, cultural, and water resources; recreation; reservoir lands planning; and public engagement. The NRP also guides TVA in achieving the objectives of its Environmental Policy for a more systematic and integrated approach to natural resource stewardship. To complement the strategic guidance that the 2020 NRP will provide, Natural Resources will develop 3- to 5-Year Action Plans that will provide a tactical approach to implement the specific activities associated with the 10 focus area programs. The two-pronged approach of a tactical, short-term implementation strategy (3- to 5-Year Action Plan) that complements the strategic, long-term guidance document (2020 NRP) will provide the direction and flexibility necessary for successful implementation. The NRP update would improve the document's efficacy by creating a more comprehensive 2020 NRP that better serves as an effective management guide.

¹ In 2011, TVA completed its first NRP, to guide its stewardship efforts for managing the waters and public lands throughout the Tennessee River watershed and power service area. The NRP represents TVA's high-level strategy for managing its natural resources in the near- and long-term. The 2011 NRP addresses TVA's management of biological, cultural, and water resources; recreation; reservoir lands planning; and public engagement. The purpose of the plan is to integrate the goals of these resource areas, provide for the optimum public benefit, and balance sometimes conflicting resource uses. The 2011 NRP also guides TVA in achieving the objectives of its Environmental Policy for a more systematic and integrated approach to natural resource stewardship. In the 2011 NRP, TVA committed to reviewing the NRP every five years and updating the plan to ensure it remains relevant and current. In 2016, as part of the update process, TVA staff began a holistic review of the NRP and determined that, after extensive discussion and consideration, the 2011 NRP was not all encompassing of natural resources programs and, by not being inclusive, the NRP was not as comprehensive as desired. TVA concluded that the NRP was not fully serving as an overall strategic guide as was first envisioned, and the non-comprehensive program coverage has impacted the plan's usefulness to TVA as a management guide. Based on this assessment, TVA determined that updating the NRP was the best path forward to address identified concerns.

Actions considered in detail within the Draft SEIS include:

- **Alternative A – No Action Alternative** – Under the No Action alternative, TVA would not make changes to the 2011 NRP, which is a blended management approach to natural resources management. TVA would continue to implement key programs identified in six resource areas that are integral to enhancing future implementation efforts. TVA would also continue to maintain activities and projects that address safety and comply with TVA’s mission and applicable laws, regulations, policies, and executive orders. The NRP accounts for the interconnectivity of each resource area and their supporting programs, which establishes a foundation by which TVA may implement greater levels of programs.

By not taking action to update and refresh the NRP, however, TVA would be inconsistent with the implementation component of the plan (Phase II of the “Road Map for Success”), wherein TVA commits to periodic updates of the plan to ensure consideration is given to changing resource conditions.

- **Alternative B – Updates to TVA’s Natural Resource Plan – TVA’s Proposed Action.** Under Alternative B, TVA would make numerous changes to the blended management approach identified in its NRP. TVA proposes to update the NRP to become a strategic document which includes focus area programs, objectives and anticipated benefits, and introduces four additional focus areas into the NRP. This shift expands the focus of the NRP from the original six resource areas to ten focus areas to ensure that the NRP addresses the entire scope of natural resource stewardship efforts. Existing and proposed programs will be categorized into the 10 proposed focus areas. The updated NRP would include Section 26a and Land Use Agreements, Public Land Protection, and Ecotourism focus areas. Nuisance and Invasive Species Management was addressed on a limited basis in the 2011 NRP; in the 2020 NRP, TVA proposes to add the Nuisance and Invasive Species Management Focus Area, placing greater emphasis on the management of nuisance and invasive species.

According to TVA, the new groupings of certain programs are appropriate based on their nature and would improve the plan’s clarity and usefulness. TVA proposes to delete some programs that are better managed by other entities. Additionally, TVA proposes to introduce additional programs and combine some existing programs to better describe current activities. TVA would revise the organization of the plan itself by revising the six resource areas, creating the following ten focus areas:

- Reservoir Lands Planning
- Section 26a and Land Use Agreements
- Public Land Protection
- Land and Habitat Stewardship
- Nuisance and Invasive Species Management
- Cultural Resources Management
- Water Resource Stewardship
- Recreation
- Ecotourism

- Public Outreach and Information

TDEC has reviewed the Draft SEIS and provides the following comments:

Cultural and Natural Resources

TDEC believes the Draft SEIS adequately addresses potential impacts to cultural and natural resources within the proposed project area.²

Air Resources

TDEC believes that the Draft SEIS adequately addresses potential impacts to Tennessee's air resources.

Solid Waste

TDEC recommends that the Final SEIS reflect that projects resulting in waste generation (e.g. intentionally or accidentally through construction, future operations, or maintenance) be evaluated and managed in accordance with the Solid and Hazardous Wastes Rules and Regulations of the State of Tennessee.³

Water Resources

TDEC agrees with the addition of the *Nuisance and Invasive Species Management* section in the 2020 NRP. TDEC requests that mechanical treatments rather than management through chemical methods be used in the vicinity of water supply intakes and encourages TVA to include this distinction in the Final SEIS.

TDEC concurs with concerns over proliferation of floating cabins and applauds TVA for addressing them through proposed TVA regulations preventing the construction of new floating cabins and addressing health, safety and environmental concerns with the existing floating cabins.

TDEC encourages TVA to include public water supply intake protection in shoreline development policies and considered the location of public water supply intakes when siting new marinas. TDEC encourages TVA to include these considerations in the Final SEIS.

² This is a state-level review only and cannot be substituted for a federal agency Section 106 review/response. Additionally, a court order from Chancery Court must be obtained prior to the removal of any human graves. If human remains are encountered or accidentally uncovered by earthmoving activities, all activity within the immediate area must cease. The county coroner or medical examiner, a local law enforcement agency, and the state archaeologist's office should be notified at once (Tennessee Code Annotated 11-6-107d).

³ Reference TDEC SWM Rule 0400 Chapter 11 for Solid Waste and Chapter 12 for Hazardous Waste
<http://sos.tn.gov/effective-rules>.

TDEC also encourages TVA to recognize opportunities in the Final SEIS to consider the cumulative impacts of shoreline development activities as well as both the costs and benefits that may occur from pursuit of dam removal projects.

Recreation and Ecotourism

TDEC supports TVA's addition of focus areas dedicated to recreation and ecotourism and highlighting how these topics are integrated with natural resource planning. Further, TDEC encourages TVA to consider opportunities to coordinate with local, state, regional, and federal entities as it pursues natural resource management in a manner that allows for responsible recreation and ecotourism initiatives.

TDEC appreciates the opportunity to comment on this Draft SEIS and TVA's concern for sensitive resource management. TDEC looks forward to continued partnership with TVA to protect Tennessee's natural resources and in respective regulatory roles. Please note that these comments are not indicative of approval or disapproval of the proposed action or its alternatives, nor should they be interpreted as an indication regarding future permitting decisions by TDEC. Please contact me should you have any questions regarding these comments.

Sincerely,



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cc: Daniel Brock, TDEC, DOA
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